

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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STEVEN FERDMAN,	:	No. 17 Civ. 1317 (PGG)
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	
CBS INTERACTIVE INC.,	:	
	:	
Defendant.	:	
	:	
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DECLARATION OF ROBERT PENCHINA

Pursuant to 28 U.S.C. § 1746, I, Robert Penchina, declare and state as follows:

1. I am a partner in the law firm of Ballard Spahr, LLP and am counsel for defendant CBS Interactive Inc. ("CBSI") in this action. I make this declaration of my own personal knowledge and in support of CBSI's Motion for Partial Summary Judgment.
2. Attached as Exhibit 1 is a true and correct copy of excerpts of the transcript of the deposition of Steven Ferdman.
3. Attached as Exhibit 2 is a true and correct copy of excerpts of the transcript of the deposition of Edward Makuch.
4. Attached as Exhibit 3 is a true and correct copy of excerpts of the transcript of the deposition of Justin Haywald.
5. Attached as Exhibit 4 hereto is a true and correct copy of a certificate of copyright registration produced by plaintiff during discovery in this case.

6. Attached as Exhibit 5 hereto are true and correct copies of all of the statements of sales produced by plaintiff during discovery in this case. Plaintiff testified that he produced all of the statements he received from his agent Rex Shutterstock.

7. Attached as Exhibit 6 hereto is a true and correct copy of a screen capture of an Instagram post made by plaintiff on September 27, 2016 in which plaintiff states that "#Spiderman reposted my photo of him. @tomholland2013".

EXECUTED this 6th day of October, 2017 in New York, New York.

/s Robert Penchina
Robert Penchina